Present

App. F. IX-4

1935-36
(Fasli)

Mug File No. 233-35
Serial Nos. 1 - 2

Previous References
Mug 662-21-1,4

Later References

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 2

Part B for April 1936

SUBJECT.

Alleged encroachment of S.No 46/2 of Jarapanahalli Village belonging to Sri Banasankari temple at Sarabandepalya Bangalore Taluk.

No 1417 dt 8-4-36

To Rev M.C

Informing that the remedy lies by suit in Civil Court

Encroachment of temple lands — 1
Basavanhalli temple - Sanad issued to Rajya
Banglore VII

General and Revenue Secretariat | Misc 3 File No. | of 193 . | [App. F. III—2

Serial No.

Letter No HRP 33/34-35 & 7-11-1935 from the Inspecting Commissioner of Inam records relating to the alleged encroachment on S.No 461/2 in Jarigenahalli endowed to the temple of Sri Basavanhalli temple Sarabamapalya. Kanakpura Tk.

(1) These papers were prepared by the H.C. by the Sheristadar of the temple in respect of the certain encroachment of the temple land. As he had heard the case as D.C. Kanakpura & passed Orders thereon, he has rejected the case here. It is for the ends of justice that he should hear the case & pass orders —

30 7/11

(2) Vide remarks on the above file & 9/11

(3) Orders in para 2 supra in full:—

This cannot be done as the laws are sure to take objection to such a procedure being adopted — All the four cases should be tried upon and subsequently for orders — The Law Asst's note is also of this opinion (as per marks as contained by Mr. J.S. (W).

NOTE.—Contn. Sheet.

WD 03594—GPB—30,000—19-7-35

520 —

Mlg File No. of 193 . General and Revenue Secretariat

The Petition of Sri Rama Sankaraiyanna at Sarabanda Bailya Bangalore Tk is a Minor Inam Instn. The Sole Dharmadarsi of which was the late Inam Semanna Setty. The encroachment Complained of is in respect of S.No. 46/2 dry endowed by the deceased Semanna Setty as shown in the Inam Register. It is not clear from the record if any of the legal representatives of the deceased has since been appointed as a Sole Dharmadarsi in place of the Semanna Setty, failing which the institution which endowment will be deemed to have come under the Control of the Inam Officer. It is submitted that information re the above is necessary for taking action in respect of the encroachment Complained of. Papers herewith submitted.

GS 17/3/43

4) The facts of the case are as follows:— S.No. 46/2 dry measuring 3-33 guntas of Jarmanatha, a grant

3(a) Mlg Correction 662-24 intimated by Tahsildar to be done as above for report— GS 18/3

Serial No.

Assessment of Rs 4/- was endorsed by Mr. Somanna Sett appellant to the Sri Ramashankari temple, and accepted by first in Mem's order no. 6514-6/Mug 6624-21-4 dt 19.5.22 (Flag P). Mr. Somanna Sett the was ~~appointed~~ Sole Dharmadarsi of the temple having complained that 33 guntas out of this endowed S.No. 46/2 had been encroached upon by the holder of the adjacent land the S.D.O. B'lur reported on 30.6.32 (Flag 2) to the D.C. that the encroachment was a fact, that the Taluk Amildar had ordered a Taluk Taluka Solicity orders to evict the tahasildar, that the land not being ancient S.No. the encroachment was not noticed earlier and solicited instructions as to the action to be taken stating that possession would have to be taken through the Civil Court. On this the D.C. (the present D.C.) ordered that the Sole Dharmadarsi may be informed that he has to seek redress in a Civil Court. It is this order that is now appealed against and which the D.C. has refused first for orders as to it is an appeal against his own orders passed as D.C.

It is understood that the Act

(Minor Inams Abolition)

(91) Page 5 of the printed Proceedings (Flag 1)

2

NOTE.—Contn. Sheet.

WD 03594—GPB—30,000—18-7 35

Encroachment of temple land – Saraban de palya
Basrasandra temple — Arakalgud Tk.

File No. of 193 General and Revenue Secretariat

dead - Para 2 of the G.O. dt 19.5.22 (Hay P) says "The temple will remain under the sole management of Mr. Somanna dg the donee who will be the sole Dharmadarsi during his life time the question of taking the temple under the management of Govt being deferred for the present." Whether the temple has been taken under Govt management or not is not reported - Whether this contingency has happened or not it seems necessary for Govt to take steps to get back the 33 guntas (of land endowed to the temple) encroached upon. If this is accepted the R.C. may be ~~and~~ requested to instruct the Amildars through the D.C. to take necessary action to evict the tahsanders and get back the land to the temple.

30/3/36

Gen: Secy) The question is what is the procedure? The DC Bangalore (the present M C) thought that the matter is one for being settled in the civil court. The appellant petitioner urged that this is unnecessary. He wants the inam rules to be applied. What is the correct view? Please consult Govt Secy & law. In any case as petitioner

Serial No.

is dead the appeal as such abates. The Inam Court will have to think of the arrangements to be made for the management of the Temple and its endowments, and incidentally of the simplest manner of terminating the encroachment on this land belonging to the Temple.

Ind
31/3
2/11/31

Asst Secy, Law
With Compts

7) This is a minor inamdari institution and the land in question does not appear to be an inam land granted by Govt. Sections 9 and 10 of Regn VII of 1927 do not therefore apply and summary eviction without recourse to a civil court is not therefore legally possible. Sec 18 which the petitioner attempts to invoke for his aid does not help him, because this is not a case of mismanagement or misapplication or any breach of trust, nor does sec 19 apply because there is no wrongful alienation or transfer, the case alleged being one of encroachment. Under these circumstances, the remedy in this case is only by means of a suit and such a suit is contemplated -

WD 0J594—GPB—80,000—18-7-35

Mcy appl No 917 of 1935-36

File No. 233 of 1935. General and Revenue Secretariat

228

Law
R+R
1004
1/4

the R+C.I. Regn, 1927.

(Gen. Sec.) 1004 1/4/36

Please forward petn of M.C with
wishes as above.

Dno
4/4

2/4/36

Orders sent on 6/4

Dno 6/4

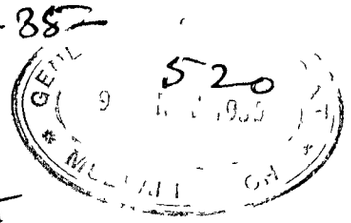
2/ 6/4/36

TYPING
6. APR 1936
GEN'L & R.

No 1417 of 8. 4. 1936 to the Mysore Commissioner stating that the Remedy in the case is only by means of a civil Suit contemplated under Sec 11 of the Mysore Religious & Charitable Institutions Regulation VII of 1927

B 11/4/36

Muz 238-35



Letter App.33/34-35, dated 6/7th November 1935, from the Muzrai Commissioner in Mysore, to the General Secretary to Government.

I have the honor to forward herewith the marginally

App. 37/33-34.
App. 3/34-35.
App. 15/32-33.
App. 33/34-35.

appeals together with the connected records and to request that as orders appealed against in these cases were passed by me as Deputy Commissioner, they may kindly be arranged to be disposed of by Government.

C O P Y.

9/11/35

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORI

General and Revenue Secretariat

Dated, Bangalore, 7th April 1936

No. 1417/Muz 233-35-2

From

The *General Secretary to the Government of His Highness the Maharaja of Mysore*

To

The Muzrai Commissioner in Mysore,
Bangalore.

Sir,

With reference to your letter No.App.33/34-35 dated 7th November 1935 forwarding for disposal Appeal petition No 15/32-33 of the late Mr.B. Somanna Setty, Sole Dharmadarsi of Sri Banasankari temple at Sarabandepalya, Bangalore, Taluk, regarding the alleged encroachment of S.No.46/2 of Jaraganahalli village belonging to the said temple, I am directed to state that Section 18 of the Mysore Religious and Charitable Institutions Regulation VII of 1927 which the petitioner attempts to invoke for his aid does not help him as it is not a case of mis-management or mis-application or any breach of trust, that sections 9 and 10 of the said Regulation do not apply as the land in question is not an Inam land granted by Government and that Section 19 of the Regulation cannot apply because there is no wrongful alienation or transfer. In the circumstances I am to state that the remedy in the case is only by means of a Civil suit and such a suit is contemplated in Section 11 of the said Regulation. The appeal petition with records received from you with your letter No.App.33/34-35 dated 7th November 1935 is returned herewith.

I have the honor to be,
Sir,
Your most obedient servant,

for General Secretary to Government.

Als.2.

Appendix E (G—1)

SUBJECT .....

.....

.....

Diary No. of letter replied to .....

General and Revenue Secretariat

( )

the *193* .

Date of issue ... 7-4-36 .....

Signed by M.V.B. Muddukrishnappa

List of enclosures .....

Copied by .....

Examined by... .....

Section Muz.

File No. 288-35

Serial No. 2

No. 1417

To Sub Reader

The M.C.

Sir,

With reference to your letter No. APP 33/34-35 dated 7.11.1935 forwarding for disposal APM file No. 2157/32-33 of the late Mr. B. Sankara Setty, Sole Trustee of the Ramaswami Temple at Sira together with the accounts of the said temple for the year [illegible] for audit, [illegible]

Reader.

to State that Secn 18 of the
Mysore Religious & Charitable
Institns Regn VII of 1927 which
the pet[r] attempts to invoke
for his aid does not help him
as it is not a case of mismanagement
or misapplication or any breach
of trust, & that Secns 9 & 10
of the said Regn do not apply
& [illegible] many citation of the [illegible]
that has encroached upon the
land is not legally possible. In
the circumstances I am to state
that the remedy in the case
is only by means of a Civil Suit
& such a Suit is contemplated
in Sec 11 of the said Regn

as the land in question is not Inam land granted by Govt and Not Sec 19 of the Regn cannot apply because there is no unauthorised alienation or transfer.

The addl Govt records received
from your Govt your letter
No 4103 33/34-35 of 7.11.35
is returned herewith.

I have &c

[illegible]
for Govt Sec

[illegible]